

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID CARMICHAEL,
Petitioner,

v.

TOM MCGINLEY, et al.,
Respondents.

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Civ. No. 17-539

ORDER

AND NOW, this 16th day of February, 2018, upon consideration of *pro se* Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 3), United States Magistrate Judge Elizabeth T. Hey's Report and Recommendation (Doc. No. 9), and an independent review of the record, and there being no objections to the Report and Recommendation, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation (Doc. No. 9) is **APPROVED** and **ADOPTED**. Petitioner's Petition for Writ of Habeas Corpus (Doc. No. 3) is **DISMISSED**. A Certificate of Appealability shall **NOT ISSUE**.

It is **FURTHER ORDERED** that the **CLERK OF COURT** shall **CLOSE** this matter.

AND IT IS SO ORDERED.

/s/ Paul S. Diamond

Paul S. Diamond, J.